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Universal periodic review

Operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review

Report of the Office of the United Nations High Commissioner for Human Rights

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I. Introduction

A. Submission of the report

1. The present report is submitted in accordance with Human Rights Council decision 17/119, in which the Secretariat was requested to provide an annual written update on the operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review and on the resources available to it. The report was prepared by the Secretariat in consultation with the Board of Trustees of the Fund and approved by the Board. The report provides an overview of contributions and expenditure as at 31 December 2015, together with a description of action taken since the submission of the previous report (A/HRC/29/22) to operationalize the Fund. It also provides a description of the results achieved through the various activities funded by the Voluntary Fund during 2015.

B. Background

2. In its resolution 6/17, the Human Rights Council requested the Secretary-General to establish a voluntary fund for financial and technical assistance in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned. In its resolution 16/21, the Council requested that the Voluntary Fund be strengthened and operationalized in order to provide a source of financial and technical assistance to help countries, in particular least developed countries and small island developing States, to implement the recommendations emanating from their review. The Council also requested that a board of trustees be established in accordance with the rules of the United Nations.

3. The Voluntary Fund was established in 2009. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has continued to operationalize the Fund by providing financial and technical assistance to States that have requested or consented to receiving support. Support has been provided in the spirit of the founding resolution of the universal periodic review, in which it is stated that the objectives of the review include the improvement of the human rights situation on the ground (Human Rights Council resolution 5/1, annex, para. 4 (a)), the fulfilment of the State's human rights obligations and commitments (ibid., para. 4 (b)) and the enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State concerned (ibid., para. 4 (c)).

II. Operationalization of the Voluntary Fund

A. Board of Trustees of the Voluntary Fund

4. The members of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights are also the constituent members of the Board of Trustees for the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review (see A/HRC/29/22, para. 4). They are tasked with overseeing the management of the latter Fund. The members are Marieclaire Acosta Urquidi (Mexico), Christopher Sidoti (Australia), Lin Lim (Malaysia), Esi Sutherland-Addy (Ghana) and Ilze Brands Kehris (Latvia). Ms. Brands Kehris was

appointed to the Board on 17 February 2015, replacing Valeriu Nicolae (Romania), who resigned in January 2015. The Board elected Ms. Lim as Chair for the period 30 June 2015 to 30 June 2016; at the end of her term she will be replaced by Mr. Sidoti, who was elected as Chair by the Board at its fifth session, held in Geneva in February 2016.

5. In close consultation with the various sections of OHCHR, the Board of Trustees focuses its attention on broadly guiding the operationalization of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review by providing policy advice.

6. Since the submission of the previous report, the Board of Trustees has met only once, having cancelled the scheduled second session in 2015 as a contribution towards the OHCHR expenditure reduction efforts. At the session that was held, its fifth, the Board provided OHCHR with policy guidance aimed at maximizing the effectiveness of technical assistance and financial support provided to States in implementing at the country level recommendations emanating from the universal periodic review and other international mechanisms.

7. During the session, the Board of Trustees welcomed information that the OHCHR follow-up support strategy focusing on national follow-up mechanisms and processes at the country level was having a sustained impact. The Board indicated that it was particularly impressed by a pilot monitoring database designed to easily transfer from the Universal Human Rights Index into a national monitoring database the recommendations from all international human rights mechanisms, including treaty bodies, special procedures and the universal periodic review, relevant to a particular country. The pilot database has several key functions, including the possibility to cluster thematically all recommendations, which helps to facilitate coherent implementation. It also provides the opportunity to monitor progress in implementation not only by the Government but also by other stakeholders. This national monitoring database is currently in the final phase of testing, and will be offered free of charge to States upon request in the near future.

8. During the session, the Board of Trustees also had an opportunity to discuss with OHCHR how the latter could provide more effective support to States in order for them to achieve sustained impact. The Board was of the view that OHCHR should continue to focus on the area of strengthening national follow-up mechanisms and processes. While commending the continuation and expansion of those efforts, the Board also strongly encouraged OHCHR to explore ways to provide more focused technical assistance and cooperation aimed at assisting States in implementing specific key human rights recommendations and in addressing specific issues.

B. Strategic vision

9. As noted in previous reports (A/HRC/26/54 and A/HRC/29/22), OHCHR has been developing the capacity to provide increased support to States in their efforts to implement the outcome of the universal periodic review, including through the operationalization of the Voluntary Fund. That effort has included an integrated approach to supporting the implementation of recommendations emanating from all international human rights mechanisms.

10. OHCHR has revitalized its strategic vision for follow-up to the universal periodic review to make it more proactive, systematic and results-oriented. This revitalized vision has enabled OHCHR to provide more effective support to States on the ground, either directly or by ensuring the integration of support in United Nations country team programming on follow-up, to enable States to achieve concrete results for the promotion and protection of human rights.

11. As noted in the previous report, OHCHR has focused its support on establishing and/or strengthening national mechanisms and processes for follow-up. Key elements identified for more effective follow-up at the national level include a well-functioning inter-institutional body, together with an implementation action plan that clearly identifies achievable results and priorities, national government agencies responsible for implementation, and indicators and timelines against which to measure impact. Furthermore, OHCHR has been providing support with respect to key thematic issues contained in such implementation action plans that have been identified as priorities.

12. OHCHR has continued to document good practices; these serve as a vital tool for States, which can adopt them and adapt them to their respective national contexts and conditions in order to more effectively implement the recommendations of international human rights mechanisms.

III. Results achieved through the implementation of activities supported by the Voluntary Fund during 2015

13. The present section provides examples of the results achieved through a range of activities aimed at supporting States in implementing the recommendations of international human rights mechanisms in an integrated manner on the ground.

14. In Afghanistan, technical assistance and capacity-building was provided to the Human Rights Support Unit of the Ministry of Justice. In cooperation with the United Nations Development Programme, through its Justice and Human Rights in Afghanistan project, a five-day training programme was held for specialists in the Unit. The aim was to provide technical support and capacity-building assistance to help the Government properly address substantial gaps in its ability to implement the recommendations and concluding observations of United Nations human rights mechanisms, in particular recommendations emanating from the universal periodic review. During the training programme, the national action plan (2013-2017), was examined, with a focus on main bodies and partners for implementation, challenges and opportunities. Close cooperation between the Unit and the Afghanistan Independent Human Rights Commission was also discussed. A national consultant was recruited to assist the Unit in reviewing Afghan laws in the light of international human rights standards and identifying necessary amendments.

15. Using the framework of United Nations country programming and drawing on the experience of cooperation with Barbados in 2015, OHCHR has extended cooperation to English-speaking Eastern Caribbean States, through which support was provided to national human rights institution and universal periodic review focal points based in the Office of the United Nations Resident Coordinator in Barbados and in the Organization of Eastern Caribbean States.

16. In Bosnia and Herzegovina, the relevant authorities have moved towards the establishment of an effective mechanism for integrated reporting and follow-up to the recommendations of United Nations human rights mechanisms. The human rights adviser engaged with the Ministry for Human Rights and Refugees in order to raise the issue of integrated reporting and follow-up to recommendations from human rights mechanisms and the development of a priority list of activities. The adviser clustered universal periodic review recommendations for the Ministry and presented a proposal for integrated reporting as a follow-up to the drafting of the State's report for the second cycle of the universal periodic review. The adviser has also played a key role in coordinating joint submissions of the United Nations country team to the United Nations human rights mechanisms.

17. In Chad, the Unit of the Human Rights Adviser and the Ministry of Justice and Human Rights, through its general directorate of human rights, together with the

interministerial committee, organized meetings on the establishment of a timetable for the preparation of reports due for submission, on strategies for better monitoring of the implementation of recommendations emanating from the universal periodic review and on the need for capacity-building programmes for members of the Interministerial Committee. Support has been provided to the Interministerial Committee in developing its action plan for the universal periodic review, including support for three workshops targeting, respectively, the Government focal points, the technical and financial partners and civil society organizations.

18. In Costa Rica, the OHCHR Regional Office for Central America continued to enhance the functioning of the existing inter-institutional commission to implement recommendations from human rights mechanisms, and provided technical advice on prioritized recommendations.

19. In the Dominican Republic, progress was made in developing a national human rights action plan; the process was officially initiated in March 2015. A series of consultations at the national and regional levels was completed and several drafts of the plan were circulated among and discussed with civil society organizations and State entities. The support provided by the Voluntary Fund increased the human rights adviser's capacity to assist the Government and civil society organizations during the process. Comments and recommendations on the process and the content of the plan were submitted regularly to the Government for consideration and further action. A systematization of the main recommendations emanating from the human rights treaty bodies and the universal periodic review and an initial proposal to adopt a mechanism to follow up on the plan's implementation were completed. The official launch of the plan was postponed to 2016.

20. Through the work of the human rights adviser deployed in the State, Jamaica updated its common core document and subsequently increased compliance and engagement with international human rights mechanisms. A number of reports have been submitted to human rights treaty bodies and for the universal periodic review. The support provided by the Voluntary Fund enhanced the capacity of the Ministry of Foreign Affairs and Foreign Trade and the interministerial committee to meet the State's reporting obligations in accordance with international obligations and standards, as recommended to the Government during the universal periodic review.

21. In Kazakhstan, the technical assistance and support provided was aimed at continuing to raise awareness among rights holders and duty bearers about the holistic approach to follow-up to recommendations of human rights mechanisms through a comprehensive national human rights action plan and the establishment of a national mechanism for reporting and follow-up. In particular, in order to increase understanding and knowledge among State authorities, a national workshop was held on best practices related to national human rights action plans and national mechanisms for reporting and follow-up. Training on standards for preventive visits was provided to 145 newly elected members of the national preventive mechanism in order to strengthen the capacity of the mechanism. Efforts have been made to amend the law on national preventive mechanisms to expand the mandate of the mechanism.

22. In Kenya, at the request of the Government, Voluntary Fund resources were used to co-fund a three-day national consultation process, held in September 2015, on the implementation of universal periodic review recommendations. The process was led by the Government, with the support of OHCHR, and included the participation of civil society and the Kenya National Commission on Human Rights. The objectives included developing an implementation plan with provisions for a monitoring mechanism for approval by the Cabinet. The process of finalizing the implementation plan is ongoing.

23. The former Yugoslav Republic of Macedonia established an expert working group within the national mechanism for reporting and follow-up, mandated with providing substantive support to the Government inter-sectoral body on human rights established following its first universal periodic review. In 2015, the inter-sectoral body familiarized itself with the international human rights system, integrated implementation of recommendations, and the rights-based approaches and capacities such a mechanism requires to ensure effective implementation of the country's human rights obligations and the recommendations issued by international mechanisms.

24. In Mali, the authorities have been assisted in preparing an action plan to implement universal periodic review recommendations. A workshop on the universal periodic review was held for representatives of Malian institutions, United Nations agencies and non-governmental organizations. During the workshop participants recommended that a single national body be established by merging various interdepartmental committees that already existed in the country.

25. In Mauritania, the interministerial technical committee on cooperation with human rights mechanisms finalized in July the State's report for the second cycle of the universal periodic review. On the basis of the project funded by the Voluntary Fund, the Government was able to complete all training and capacity-building activities, and shared the draft universal periodic report with the Parliament and civil society organizations in an effort to make the process more inclusive and participatory.

26. In Nigeria, assistance was provided to the Government to strengthen the interministerial committee and, with the support of a consultant, a national action plan on implementing universal periodic review recommendations was designed and adopted in collaboration with stakeholders, including the National Human Rights Commission and civil society actors.

27. The OHCHR Regional Office in Central America, in cooperation with the United Nations Children's Fund (UNICEF), has provided assistance to the National Directorate of Civil Registry of the Electoral Tribunal. A joint programme was implemented to promote registration among Ngabe-Bugle indigenous peoples of Mama Tata living in remote areas that have traditionally refused to register births, as well as to provide identity documents for members of those communities. The Regional Office and the Electoral Tribunal conducted an investigation to identify the reasons for the communities' reluctance to register births. The project included trust-building activities between the Electoral Tribunal and Mama Tata religious leaders followed by registration missions, reaching eight communities in the Chiriquí and Bocas del Toro areas.

28. In Paraguay, technical assistance has been provided to State institutions to implement prioritized recommendations in three thematic areas and to enhance the capacity of the Ministry of Foreign Affairs, the Ministry of Justice and the Human Rights Network of the Executive Branch to strengthen the State's capacity to follow up on, monitor and report on the implementation of international human rights recommendations, particularly through the use and consolidation of the system for monitoring recommendations, a database referred to by the Spanish acronym "SIMORE". The support of the Voluntary Fund triggered cooperation to facilitate the implementation of recommendations on combating poverty, enhancing the participation of indigenous peoples in discussions affecting them and promoting the rights of persons with disabilities. With the use of SIMORE and in compliance with the provisions of the Convention on the Rights of Persons with Disabilities and related international recommendations, technical assistance was provided for the development of a national action plan on the rights of persons with disabilities, which was adopted in November 2015; OHCHR also supported the plan's dissemination. The plan was designed with the active participation of civil society and the National Commission on the Rights of Persons with Disabilities. It serves as a good

example of how international commitments and recommendations can be translated into government action.

29. The OHCHR Regional Office for South America has been implementing a regional project to support the follow-up of universal periodic review recommendations through United Nations development assistance in Argentina, Brazil, Chile, Peru and Uruguay. In 2015, Ecuador was added to the regional project. By integrating a national universal periodic review adviser in the United Nations Resident Coordinator offices in each of those countries, support has been provided for: (a) the establishment of national coordination bodies for reporting to United Nations human rights mechanisms and for following up on their recommendations in a holistic manner, on the basis of thematically clustered and prioritized recommendations; (b) the sharing of practices regarding the development of frameworks and benchmarks, as well as support for national efforts to monitor and report on progress in the implementation of universal periodic review recommendations; and (c) the integration of recommendations into ongoing and new United Nations development assistance frameworks as well as the implementation of programmes at the country level. Through targeted collaboration with Resident Coordinators, the Regional Office has advanced considerably in mainstreaming anti-discrimination standards. Regional strategies were shared during the regional meeting held in Chile for national universal periodic review advisors, the United Nations Resident Coordinators and other United Nations officials. Regional seminars and specific technical advice were provided for government officials and parliamentarians of Argentina, Brazil, Chile, Ecuador, Peru and Uruguay, enhancing their capacity to follow up on universal periodic review recommendations through agreements on strategies and methodologies for clustering recommendations. Furthermore, in those same countries the capacity of national human rights institutions and civil society organizations was strengthened through numerous workshops and training sessions on strategies relating to the universal periodic review, in particular on following up on recommendations and/or preparing mid-term reports.

30. In Senegal, technical assistance was provided to the technical committee that reviewed the national action plan for the implementation of the recommendations of international human rights mechanisms, including the universal periodic review. By the end of 2017, at least 20 per cent of the reports will be substantially or fully in line with the reporting guidelines, increasing the State's compliance with its reporting obligations to treaty bodies, as well as its participation in the universal periodic review process.

31. In Seychelles, the National Council for Children delivered training to 66 multisectoral trainers from the Ministry of Health, the Ministry of Education, the department of social services and various police departments with a view to strengthening the capacity of law enforcement officials. In order to improve the State's juvenile justice system, an analysis of current practices in juvenile justice and of the development of a standard operating procedures manual and monitoring and evaluation mechanisms was also undertaken.

32. In Solomon Islands, support was provided through the deployment of a National United Nations Volunteer in the Ministry of Justice and Legal Affairs, who worked closely with relevant government entities, civil society organizations, United Nations agencies and regional organizations in order to promote and support the establishment of an interministerial coordinating committee in charge of reporting to international human rights mechanisms. A Government-led universal periodic review task force has been established; it conducted regional consultations in several provinces, gathering information from key stakeholders. Consultations ensured an inclusive and participatory process, strengthening ownership of the process and identifying strategies for national and local responses to address the human rights gaps.

33. In Sudan, 25 representatives from the Justice Committee, the Justice, Truth and Reconciliation Commission and the Embassy of the United States of America in Khartoum participated in a workshop on transitional justice. Sessions at the workshop were aimed at enhancing the participants' knowledge of national and international justice mechanisms and participants' skills in incorporating transitional justice techniques effectively in their line of work. A second workshop was held in January 2016 for members of the reconciliation committee. Activities were also carried out to strengthen the rule of law in the Darfur region.

34. In Tajikistan, technical assistance was provided to the Government to strengthen the structure and capacity of the inter-agency commission on implementation of international obligations in the field of human rights, the body functioning as a national coordination mechanism. A regulation drafted to expand the role of civil society and enhance the commission's functions in monitoring and coordinating follow-up to recommendations is pending approval by the President. Six consultative meetings were held on the implementation of universal periodic review recommendations from the first cycle, as was a public consultation on the national report for the universal periodic review, with the participation of more than 50 representatives of State authorities and the broad involvement of civil society.

35. In Timor-Leste, a broad-based national directive commission composed of representatives of the Government, the national human rights institution, civil society and the private sector was established in 2014 to draft a national human rights action plan. Support was provided to increase the capacity of that commission to draft the plan through an inclusive and participatory process. Some progress has been made in this regard, and a draft baseline study on the current human rights situation has been prepared by members of the commission, led by the Ministry of Justice, through its National Directorate for Human Rights and Citizenship, and including representatives from Government, civil society and the Provedoria for Human Rights and Justice. The study was prepared on the basis of desk research, following previously set guidelines.

36. In Thailand, the Ministry of Justice has taken the lead in preparing for the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Support in this regard has been provided to the Ministry with a view to increasing awareness and understanding among the agencies concerned, and a workshop on the implication of ratifying the Optional Protocol was held for government officials.

IV. Financial situation of the Voluntary Fund

Table 1

Statement of income and expenditure for the period 1 January-31 December 2015

(United States dollars)

Income or expenditure	*Total*
Income	
Voluntary contributions received from Governments	448 025.10
Miscellaneous and interest income	-9 413.50
Total income	**438 611.60**

Income or expenditure	*Total*
Expenditure	
Staff costs	121 070.12
Fees and travel of experts and consultants	461 793.98
Staff travel	59 301.48
Travel of representatives	37 569.82
Contractual services	28 884.00
General operating expenses	1 699.90
Supplies and materials	17 994.00
Grants, contributions and seminars	445 816.90
Programme support costs	152 636.92
Total expenditure	**1 553 357.00**
Net excess (shortfall) of income over expenditures for the period	**-888 155.52**
Opening balance on 1 January 2015	**1 852 672.51**
Miscellaneous adjustments/savings/refunds to donors	**0.00**
Total fund balance as at 31 December 2015	**964 516.99**

Table 2

Contributions to the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review, from the establishment of the Fund to 31 December 2015

(United States dollars)

Donor	*Contribution*
Year 2008/09	
Colombia	40 000
Russian Federation	450 000
United Kingdom of Great Britain and Northern Ireland	45 326
Biennium 2010-2011	
Germany	148 148
Morocco	500 000
Russian Federation	200 000
United Kingdom of Great Britain and Northern Ireland	133 707

Donor	*Contribution*
Biennium 2012-2013	
Australia	387 580
Germany	475 664
Kazakhstan	9 975
Norway	849 114
Biennium 2014-2015	
Germany	242 843
Kazakhstan	53 890
Netherlands	30 000
Norway	601 732
Oman	10 000
Total contributions	**4 585 913**

37. Table 1 shows the detailed financial situation of the Voluntary Fund as at 31 December 2015 (statement of income and expenditure).

38. Since the establishment of the Voluntary Fund in 2009, 10 countries have made financial contributions: Australia, Colombia, Germany, Kazakhstan, Morocco, the Netherlands, Norway, Oman (pledges only), the Russian Federation and the United Kingdom of Great Britain and Northern Ireland. Table 2 provides an overview of all contributions received for the reporting period, from the establishment of the Voluntary Fund to 31 December 2015. Additional financial contributions from Germany in the amount of $109,649 were received during the period January-March 2016.

39. As noted above, the revitalized OHCHR strategic vision for universal periodic review follow-up, which enables OHCHR to provide to States systematic support that focuses on national follow-up mechanisms and processes, has started achieving sustained impact in a number of countries. It is expected that the demand for financial support from the Voluntary Fund will continue to increase during the next biennium. Hence, it is critical to expand the donor base of the Fund and to obtain further funding in order to sustain and ensure the universal application of the new strategic vision for follow-up to all Member States, in line with the universality principle of the universal periodic review mechanism.

V. Conclusions

40. The primary responsibility for implementing recommendations of international human rights mechanisms at the country level rests with States. Hence, securing the political will and enhancing the ability of States to bring about tangible results is vital to meeting the key objectives of the universal periodic review, namely, improvement of the human rights situation on the ground. With a view to achieving these objectives, the Voluntary Fund has continued to serve as a valuable source of support for countries in the implementation of the recommendations emanating from their universal periodic review.

41. As demonstrated above, the revitalized OHCHR strategic vision for universal periodic review follow-up, which is more proactive, systematic and results-oriented, has enabled OHCHR to provide systematic support to States in fulfilling their primary responsibility to implement universal periodic review recommendations. Sustained impact with tangible results have been achieved through focused support in establishing and/or strengthening national follow-up mechanisms and processes, including support for the establishment of inter-institutional bodies, for the drafting of achievable implementation action plans and for the implementation of priority thematic recommendations identified in such implementation action plans.

42. OHCHR support to help national follow-up mechanisms and processes function more effectively has gained initial traction; it is important to maintain the momentum by continuing to support States in fulfilling their commitments to implement priority thematic human rights recommendations accepted during their universal periodic review. In this regard, it is also essential that States be provided with a range of tools that facilitate implementation of those recommendations.

43. It is also important that an integrated approach to follow up on the recommendations of international human rights mechanisms, including those of treaty bodies, special procedures and the universal periodic review, continue to be applied as broadly and systematically as possible. This will help States to achieve further concrete results in the promotion and protection of human rights on the ground.

44. Continued efforts to document emerging promising practices on universal periodic review follow-up should be made in close coordination with various actors, including civil society organizations. OHCHR continues to pay priority attention to the need to share these good practices as broadly as possible. OHCHR will further dedicate some of the financial resources of the Voluntary Fund to efforts to develop various tools for more effective follow-up on the ground, for example with respect to enhancing the functions of the Universal Human Rights Index and developing the national monitoring database adapted from the Index.

45. It should be re-emphasized that the active participation of other stakeholders in the follow-up process, which is key to achieving sustained impact, must be secured and encouraged.

46. It is vital that more contributions be made to the Voluntary Fund in order to ensure the sustainability of support to States in implementing the recommendations of the international human rights mechanisms. The Board has encouraged OHCHR to proactively engage in further targeted efforts aimed at increasing resource mobilization for the Voluntary Fund. More regular accounting updates will be provided to the Board to ensure proper oversight.